



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	05 June 2017
EXPIRATION DATE:	05 July 2017
REFERENCE NUMBER:	POA-2017-181
WATERWAY:	YUKON RIVER

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Heather Markway at (907) 753-2797, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or at Heather.N.Markway@usace.army.mil by email if further information is desired concerning this notice.

APPLICANT: QAP General Contractors, 240 West 68th Avenue, Anchorage, Alaska 99518, Chris Humphrey, 907-748-3881, chumphrey@colaska.com

LOCATION: The project site is located within Sections 1, 6, 7 & 12, T. 9 S., R. 9 & 10 E., Kateel River Meridian; USGS Quad Map NULATO C-2; Latitude 64.73341° N., Longitude -156.969025° W.; in the Yukon River to the southwest of the Galena Airport, in the city of Galena, Alaska.

PURPOSE: The applicant's stated purpose is "to access and excavate sand and gravel materials from the Yukon River for use in constructing the Galena Airport Improvements project sponsored by the Alaska Department of Transportation".

PROPOSED WORK: The applicant proposes to access and excavate sand and gravel materials from the Yukon River for use in the construction of the Galena Airport Improvements project sponsored by DOT. This project will require 26,250 cubic yards of paving aggregate and 50,000 cubic yards of subbase aggregate, a total of 76,250 cubic yards. The footprint of the area to be mined would be approximately 10 acres of impact (all of which is located below the ordinary high water mark of the Yukon River). This river source has been used by

commercial and government entities since the 1980s for various projects within the Galena area. Access to the site is obtained through the town of the Galena via the beach during periods of low water (late fall and/or early spring). The access road was permitted on December 5, 2013 as a modification to permit number POA-2011-72 for the construction of Champion Road. According to the applicant, Spring/Fall mining operations would include ripping ice and/or frozen silt/sand in order to mine the underlying aggregate.

Ripping/digging/pushing would be accomplished with a combination of dozers and excavators, and material would be excavated in an organized cell pattern and would not disturb the buffer zone shown in the attached figure. It is anticipated that a portion of the material could be bailed/dredged below water given the nature of this river source. The extracted material would be hauled with off-road haul units to the screening/crushing site, and the material screened with a portable/tracked screening plant to acquire rock for subsequent asphalt processing. Reject material would be placed in the pits from which it was mined, and spread/graded to drain accordingly. The soil profile generally consists of sand with some gravel. Due to extremely low gravel content an abundance of screening would be required to obtain the paving aggregate. It is estimated that only 15% of the material will be retained after screening, thus, 175,000 cubic yards will need to be mined and used on the project. The unused paving aggregate, an estimated 148,750 cubic yards (175,000 – 26,250) will be spread and graded to drain within the confines of the mine site. Any excavation slopes above water will be safely sloped as needed. These slopes will not be seeded for stabilization given their temporary nature and the fact they will be under water when the river rises to ordinary flow conditions. The removal area will be sloped to be self-draining, and will incorporate a low flow buffer to encourage channel stability and material replenishment.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated 8/20/12, 03/2015, and 2017.

ADDITIONAL INFORMATION:

Other required authorizations:

Alaska Department of Natural Resources	–	Mining/Reclamation Plan	–	Pending Approval
Alaska Department of Fish & Game	–	Fish Habitat Permit	–	Pending Approval

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

“Material will be removed from a gravel bar that is seasonally exposed during periods of low water (early spring/late fall). Mining during periods of low water will minimize water disruption. No wetlands are involved as the gravel bar is un-vegetated and the haul route uses two lanes that were previously developed, maintained, and devoid of vegetation from continual local use as a route to the Yukon River.”

The applicant has not proposed compensatory mitigation.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the mine area, the established mine access road, and the airport. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

No EFH species are known to use the project area.

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves

as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2017-181, YUKON RIVER**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.